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ABSTRACT

To ensure that school districts and schools meet acceptable performance levels, many school districts and states have enacted various accountability policies. Two of the most controversial approaches to accountability are reconstitutions of schools and state takeovers of school districts and schools. For each approach, this policy brief presents an overview, offers opposing perspectives, examines effects, and poses questions for policymakers. The brief also provides additional information, presented in tabular form, in six appendices: (1) "Legal Citations: State Takeovers of School Districts" presents the states, along with the appropriate legal citations, that have enacted district takeover policies. (2) "State Takeovers of School Districts" presents examples of states and districts that have been involved in takeovers. (3) "Legal Citations: State Takeover of Schools" presents the states, along with the appropriate legal citations, that have enacted school takeover policies. (4) "State Takeover of Schools" presents examples of states, school districts, and schools that have been involved in a state takeover. (5) "Legal Citations: Reconstitutions of Schools" presents the states, along with the appropriate legal citations, that have enacted policies that allow the state to reconstitute schools. (6) "Reconstitutions of Schools" presents examples of school districts where reconstitutions have occurred. (Contains 33 references.) (WFA)

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April 2002

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Policy Brief
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State Takeovers and Reconstitutions

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Introduction

Many policymakers, educators and parents are deeply concerned about the performance of the nation's public schools. They cite subpar test scores, unruly student behavior and dilapidated school buildings as evidence that public schools are failing. Although some people question the extent of this failure, there is general agreement that public schools must improve, especially those performing at the lowest levels.

To ensure school districts, schools, administrators, teachers and students meet acceptable performance levels, many states and school districts have enacted, and begun to enforce, various accountability policies. Two of the more controversial accountability approaches are state takeovers of school districts and schools and reconstitutions of schools. For each approach, this policy brief: (1) presents an overview; (2) discusses opposing perspectives; (3) examines effects; and (4) offers questions for state policymakers.

State Takeovers

Overview of State Takeovers

Presently, 24 states have enacted policies that allow them to take over a school district due to academic problems within the school district. For a list of these states, please see Appendix A. Many state policies provide a succession of sanctions for academic problems within a school district, with takeovers as the ultimate sanction. Other state policies target a single troubled school district for an immediate state takeover.

In addition to academic problems within a school district, states also take over school districts due to fiscal mismanagement, inept administration, corrupt governance and crumbling infrastructure within the school district. For examples of states and school districts that have been involved in a state takeover of a school district for some or all of these reasons, please see Appendix B.

In a state takeover of a school district, either the state legislature, the state board of education or a federal court charges the state department of education or another designated entity with managing a school district, usually for a certain amount of time, such as five years. Most state takeovers do not happen without the state department of education thoroughly documenting a school district's problems.

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The level of state control and local influence in takeovers varies from state to state. In some cases, such as New Jersey, state officials relieve school board members and high-level administrators of their duties and appoint others to manage the school district in their place. In other cases, such as West Virginia, school board members and high-level administrators remain in place as an advisory group. School district officials advise state-appointed decision-makers on fiscal and budgetary matters, but still make curricular and instructional decisions. In other instances, such as Boston, Chicago, Cleveland and Detroit, the state places governance authority over the school district in the hands of a city's mayor.

Further, several states have broadened the takeover notion to allow state takeovers of schools based on academic problems within a school. In total, 15 states have enacted policies that allow them to take over

a school due to academic problems within a school. For a list of these states, please see Appendix C. For examples of states, school districts and schools that have been involved in a state takeover of a school, please see Appendix D.

Opposing Perspectives on State Takeovers

According to proponents of this approach, state takeovers:

- Are a necessary extension of a state's constitutional responsibilities
- Provide a good opportunity for state and local decision-makers to combine resources and knowledge to improve children's learning
- Allow a competent executive staff to guide an uninterrupted and effective implementation of school improvement efforts
- Are a catalyst for creating the right environment for the community to address a school district's problems
- Allow for more radical, and necessary, changes in low-performing school districts
- Place school boards on notice that personal agendas, nepotism and public bickering have severe consequences
- Use achievement data collected from school districts and schools to bolster accountability efforts.

Opponents of this approach, however, assert state takeovers:

- Represent a thinly veiled attempt to reduce local control over schools and increase state authority over school districts
- Imply that the community has the problems and the state has the answers, and thus falsely assume that states have the ability to effectively run school districts
- Place poorly prepared state-selected officials in charge, with little possibility of any meaningful change occurring in the classroom
- Use narrow learning measures (i.e., standardized test scores) as the primary criterion for takeover decisions
- Usually focus on cleaning up petty corruption and incompetent administration and do not go to the root of the social problems facing disadvantaged students in urban school districts
- Foster negative connotations and impressions that hinder the self-esteem of school board members, administrators, teachers, students and parents
- Produce showdowns between state and local officials that slow the overhaul of management practices, drain resources from educational reforms and reinforce community resentments.

Effects of State Takeovers

There is a scarcity of research on the effects of state takeovers. For the most part, they seem to be yielding more gains in central office activities than in classroom instructional practices. As evidence, state takeovers are credited with the following:

- Eliminating nepotism within a school district's decision-making processes
- Improving a school district's administrative and financial management practices
- Removing the threat of teachers' strikes within a school district
- Upgrading the physical condition of schools within a school district
- Implementing innovative programs within a school district, such as small schools programs and cooperative arrangements between schools and social service agencies.

Despite these positive results, state takeovers have produced results to the contrary, such as the $70 million deficit incurred by state-appointed administrators in Newark, New Jersey, and the ten-day teachers strike in Detroit, Michigan, which occurred six months after the mayor assumed control of the school district.

Perhaps more importantly, student achievement still oftentimes falls short of expectations after a state takeover. In most cases, academic results are usually mixed at best, with increases in student performance in some areas (e.g., 4th grade reading) and decreases in student performance in other areas (e.g., 8th grade mathematics). The bottom line is that state takeovers, for the most part, have yet to produce dramatic and consistent increases in student performance, as is necessary in many of the school districts that are taken over.

Still, a recent study by Vanderbilt University and Harvard University researchers produced four broad conclusions regarding the relationship between state takeovers and academic performance. First, state takeovers placing mayors in charge of school districts are linked to increases in student achievement at the elementary grades. Second, gains in achievement are especially large for the lowest performing schools in these districts, suggesting that state takeovers involving mayors include a special focus on these failing schools. Third, state takeovers placing mayors in charge of school districts seem less effective for the upper grades, where the cumulative effects of many years of poor schooling are not easily reversible. Fourth, when state takeovers placing the state department of education in charge of school districts produce administrative and political turmoil, student achievement suffers. After a period of adjustment, however, these takeovers may also be able to produce positive achievement gains.

Further, two promising experiences stand out among the state takeovers. As a result of a state takeover of the Logan County, West Virginia school district, test scores increased, management improved and local support was strengthened. According to the West Virginia Superintendent of Schools, West Virginia succeeded in Logan County because it kept the school board in place, albeit with reduced powers. State officials felt that the school district's decision-makers needed to be a part of the recovery process, largely so they would know what to do when the school district regained sole control of its operations. Results of the takeover include the following changes:

- Performance, attendance and dropout rates improved dramatically
- Administrative difficulties and budget problems were resolved
- Personnel policies and practices now comply with the law (e.g., all of the school district's teachers now have valid teacher licenses).

In 1995, the Illinois legislature shifted control of the Chicago Public Schools to the mayor and charged him with appointing school board members, the school board president and the school district's chief executive officer. According to 1997 and 1998 studies by the University of Chicago, these changes have improved managerial efficiencies within the school district. In addition, according to a 1998 study by the Consortium on Chicago School Research, standardized test scores strongly suggest that the 1995 changes, along with earlier reforms (e.g., the 1988 Chicago School Reform Act), have precipitated substantial improvements in achievement in a large number of Chicago public elementary schools.

As with most policies, the implementation of state takeovers has produced unintended consequences. Most dramatically, certain states are facing questions concerning the federal Voting Rights Act of 1965. In essence, the U.S. Department of Justice views state takeovers as potentially violating local voter rights to elect local officials and is requiring certain states to obtain the department's clearance before taking over a school district. The state of Texas filed a lawsuit against the department, with the intention of freeing Texas from obtaining department clearance for a state takeover. However, the U.S. Supreme Court refused to hear the suit, primarily because there was no test case for them to review. Thus, this issue remains unresolved.

Questions About State Takeovers for Policymakers

In considering the enactment or enforcement of state takeover policies, state policymakers may want to consider the following questions:

Criteria

- What are the characteristics of high- and low-performing school districts and schools? How can these factors be measured?
- What criteria are used to identify school districts and schools eligible for state takeovers? How often is school district and school performance monitored (e.g., every year, every 3-5 years)?

Takeover Decisions

- Should a state take over a low-performing school district or school? If so, at what point does a state intervene? Are there other approaches that are more effective and efficient than a state takeover in improving school district and school performance?
- Do state education departments have the expertise and resources to run a school district or school? Can the state provide the necessary support and assistance to low-performing school districts and schools? How do state departments of education balance their oversight role with their operating role in a credible and objective manner?
- If officials in low-performing school districts and schools are given the same authority as state-selected officials, such as the ability to remove collective bargaining agreements and change staff, can they improve the school district's or school's performance?

Implementing State Takeovers

- How does a state set goals for its takeover efforts? How does a state fund a takeover?
- How can the state focus its efforts toward generating and sustaining improved instruction?
- Will the state involve school district policymakers, administrators, teachers, students and parents in their reform efforts? Within a state takeover, what are the roles of these various groups?

Ending a State Takeover

- How do states determine whether students are making sufficient progress to allow control to revert back to local officials?
- How much time should states give school districts and schools to improve? When and under what conditions should a state withdraw from a school district or school?
- If a state takeover fails to yield sufficient improvement in student achievement in the specified time, what is the next step?
- Once a state ends a takeover, how does it prevent the school district or school from backsliding?

Long Term Changes

- Beyond the immediate crisis, how does a state improve the ability of local people, from school board members to teachers, to work more effectively?
- What is the state's role in assisting school districts and schools before they are in crisis?

Reconstitutions

Overview of Reconstitutions

In 1983, the San Francisco Unified School District (SFUSD) implemented a school improvement pilot program, primarily as a result of a court ruling on a desegregation case involving SFUSD. This program aimed to improve the performance of some of the school district's lowest performing schools. One of the program's more controversial aspects was a reconstitution provision, which allowed the school district to create new philosophies and curricula and replace principals, teachers and other staff at several schools.

Generally speaking, a reconstitution involves creating a new philosophy, developing a new curriculum and hiring new staff at a low-performing school. Some states and school districts include other

components within this approach as well, such as reducing teacher/student ratios in a low-performing school. State and school district officials cite the following chronic problems as the basis for reconstitutions:

- Low attendance rates and graduation rates and high dropout rates
- Poor performance on standardized tests, as well as a failure to show significant improvement in such performance
- Poor morale among school community members (e.g., discouraged staff, disgruntled parents and alienated students)
- Deteriorating school buildings.

Before a state or school district resorts to such a dramatic action, it usually notifies a poorly performing school of the need for improvement. After a given time period, if the school fails to improve its performance, the state or school district steps in and reconstitutes it. Displaced principals and teachers sometimes may reapply for their old jobs, but they and other candidates have to accept the new philosophy at the school in order to be hired.

Presently, 19 states have enacted policies that allow them to reconstitute schools. For a list of these states, please see Appendix E. For examples of states and school districts that have been involved in reconstitutions, please see Appendix F. A vast majority of reconstitutions have been implemented by school district officials as opposed to state policymakers.

Opposing Perspectives on Reconstitutions

Advocates of this approach believe reconstitutions:

- Can improve the learning environment for students through changing both administrators and teachers in an ineffective school
- Bring in a staff eager to take on the challenge of working in chronically unsuccessful schools, and thus give a fresh start to these schools and their students
- Immediately stop "bad education" from happening to kids in low performing schools
- Foster a new, student-focused culture in schools where failure was once acceptable
- Are an indictment of a school's organization and culture (not its individual staff members)
- Use achievement data collected from school districts and schools to bolster accountability efforts and redirect instructional practices
- Are the only remaining solution for schools that face problems of crumbling buildings, discouraged employees and alienated students.

Opponents of this approach, however, contend that reconstitutions:

- Are implemented within a set of inconsistently enforced standards
- Too often focus on "bad people" instead of "bad practices," and thus are a simplistic response to a complicated problem
- Stigmatize and demoralize everybody in a school, including those who are doing a good job
- Place a new principal and a mostly new teaching force into a difficult situation
- Discriminate against poor and minority children by failing to take into account the challenges of their communities
- Undermine reform efforts already under way
- Will not make a difference unless the ineffective school's instructional approach is changed as well.

Effects of Reconstitutions

As with state takeovers, there is a dearth of evidence about the effects of reconstitutions. On the one hand, anecdotal evidence suggests that they have brought a much-needed sense of order and stability to some schools, along with an increase in parent and community involvement. They also have allowed state and school district officials to remove ineffective staff members from a low-performing school, although they often remain within the school district. The number of teachers who are rehired at a reconstituted school ranges from only a handful to as many as two-thirds, depending on the school district.

Again, much like state takeovers, academic progress, as measured by standardized test scores, is uneven in reconstituted schools. For example, a 1992 study of the SFUSD school improvement program of the 1980s found improved student achievement in reconstituted schools with large numbers of poor or minority students. In the eight schools reconstituted since 1994 in SFUSD, however, there has been very little, if any, improvement in standardized test scores.

Although reconstitution's effectiveness has not been fully proven, it can send a message that state and district policymakers will not tolerate chronic student failure. In so doing, reconstitutions may put pressure on educators to reevaluate their efforts. In fact, some argue that the threat of reconstitution has had some impact in motivating school personnel to improve their academic programs. For example, in June 1996, the San Francisco school district announced that out of eight schools put on probation in 1996, four showed sufficient improvement in student performance to be removed from probation.

Questions About Reconstitutions for Policymakers

In considering the enactment or enforcement of reconstitution policies, state policymakers may want to consider the following questions:

Criteria

- What are the characteristics of high- and low-performing schools? How can these factors be measured?
- What are the criteria for identifying schools eligible for reconstitution? Are clear standards enforced consistently across a state or school district? How often is school performance monitored (e.g., every year, every 3-5 years)?

Reconstitution Decisions

- Are other steps, such as remediation or probation, necessary before reconstitution? How much time should be given to schools to correct their problems before being reconstituted?
- Can the state or school district provide the support or assistance that the schools need?
- Are there different results in state- vs. school district-initiated reconstitutions?
- Are there other approaches that might be more effective and efficient than reconstitutions in improving the performance of low-performing schools?

Implementing Reconstitutions

- How are reconstitution efforts financed?
- How can reconstitutions generate and sustain improved instruction?
- Can teachers reapply for their jobs? What happens to displaced teachers? Should they be allowed to work elsewhere in the school district?

Long Term Changes

- Beyond the immediate crisis, how do states and school districts improve the ability of school staff to work more effectively?
- How can states and school districts attract top quality staff to high need schools?

Conclusion

As with many potential solutions to problems within public education, the effects of state takeovers and reconstitutions on student achievement are debatable, partly because of the lack of strong research evidence about this relationship. State policymakers are thus faced with a perplexing situation. They are constitutionally responsible for ensuring that each child receives an adequate education, yet two of their more extreme approaches for improving the performance of low-achieving school districts and schools often produce mixed results. The tough question remains: What can state policymakers do to improve the education of children in low-performing school districts and schools?

Although state takeovers and reconstitutions are not a silver bullet solution in answer to this question, in part because of the diverse conditions prevailing in troubled school districts and schools, these approaches may force policymakers, educators and parents to reexamine their state's accountability system. More specifically, these approaches may encourage them to rethink how they measure student achievement, how often they monitor school district and school performance and at what times, and to what extent, they intervene in a low-performing school district or school.

In the end, a more effective intervention process may evolve from states' and school districts' experiences with state takeovers and reconstitutions, which may include any number of previously unthinkable solutions to the problems within public education. Many of these solutions are becoming allowable under state policy, and include converting low-performing schools into charter schools, creating performance contracts between states and low-performing school districts and schools and breaking up low-performing school districts.

At the minimum, the next phase of state accountability policy calls for the implementation of more effective approaches to improving student performance in troubled school districts and schools. This undertaking will undoubtedly test the resolve of policymakers, educators and parents to more consistently meet the needs of students in these school districts and schools.

This policy brief was written by Todd Ziebarth, policy analyst, ECS National Center on Governing America's Schools, with financial support from the Joyce Foundation.

Appendix A

Legal Citations
State Takeovers of School Districts

The following table presents the states, along with the appropriate legal citations, that have enacted policies that allow them to take over school districts because of academic problems within a school district.

State	Statute	Administrative Code
Alabama	Ala. Code § 16-6B-3	-
Arkansas	Ark. Stat. Ann. § 6-15-403	Arkansas Rules and Regulations: 020.1 – 020.3, 020.3.02, 020.4 -- 020.19
California	Chapter 455, Statutes of 1993 [Compton Unified School District]	-
Connecticut	Special Act 97-4 (1997 Regular Session) [Hartford School District]	-
Illinois	105 ILCS 5/2-3.25f 105 ILCS 5/34-1 [Chicago Public Schools]	23 IAC § 1.80, § 1.90
Iowa	Iowa Code § 256.11	-
Kentucky	K.R.S. § 158.6455, 158.780, 158.785	703 KAR 3:205, 5:130
Maryland	Senate Bill 795 (1997 Regular Session) [Baltimore City Public Schools] House Bill 949 (2002 Regular Session) [Prince George's County Public Schools]	Md. Regs. Code 13A § 01-01-01 -- § 01-04-08
Massachusetts	Mass. Ann. Laws ch. 69, § 1J - § 1K Chapter 133 of the Acts of 1989 (1989 Regular Session) [Chelsea Public Schools] Chapter 108 of the Acts of 1991 (1991 Regular Session) [Boston Public Schools]	603 CMR § 2.01 - § 2.04
Michigan	Senate Bill 297 (1999 Regular Session) [Detroit Public Schools]	-
Mississippi	Miss. Code Ann. § 37-17-6	CMSR § 36-000-069
Missouri	Mo. Rev. Stat. § 160.538	5 CSR § 30-340.010, § 30-345.010
New Jersey	N.J. Stat. § 18A: 7A-14 – § 18A: 7A-15	-
New Mexico	N.M. Stat. Ann. § 22-2-2	6 NMAC § 3.2.9
New York	N.Y. Educ. Law § 2590-h [New York City Public Schools Chancellor] Assembly Bill 8330 (1995 Regular Session) and Senate Bill 6617 (2002 Regular Session) [Roosevelt Union Free School District]	8 NYCRR § 100.2
North Carolina	N.C. Gen. Stat. § 115C-105.39, § 115C-325	-
Ohio	House Bill 269 (1998 Regular Session) [Cleveland Public Schools]	-
Oklahoma	70 Okla. St. § 1210.541 - § 1210.542	-
Pennsylvania	Senate Bill 652 (2000 Regular Session)	-
Rhode Island	R.I. Gen. Laws § 16-7.1-5	-
South Carolina	S.C. Code Ann. § 59-18-30	S.C. Code Regs. § 43-300 – § 43-301
Tennessee	Tenn. Code Ann. § 49-1-601 - § 49-1-602	-
Texas	Tex. Educ. Code § 39.131	-
West Virginia	W. Va. Code § 18-2E-5	W. Va. Code State R. 126 § 13-1 - § 13-12

Appendix B

State Takeovers of School Districts

The following table presents examples of states and school districts that have been involved in a state takeover of a school district. These takeover decisions have been based on a number of problems within a school district, including academic bankruptcy, fiscal mismanagement, inept administration, corrupt governance and crumbling infrastructure.

State	School District(s)
Alabama	In 1996, the state took over the **Barbour County School District** due to financial problems within the school district. In 1997, state officials gave control back to the school district. In 1999, the state again took over the school district due to financial problems within the school district. In 1996, the state took over the **Macon County School District** due to financial problems within the school district. In 1997, state officials gave control back to the school district. In 1996, the state took over the **Wilcox County School District** due to financial problems within the school district. In 1997, state officials gave control back to the school district. In 2000, the state took over the **Jefferson County School District** due to financial problems within the school district.
Arkansas	In 2002, the state intervened in the **Altheimer School District** and the **Elaine School District** because low student performance on state tests had not improved in six years.
California	In 1991, the state took over the **Richmond Unified School District** (now known as the **West Contra Costa Unified School District**) due to financial problems within the school district, and hired an administrator to run the school district. In 1992, the state removed the administrator, and designated a trustee to monitor the financial performance of the school district. In 1992, the state took over the **Coachella Unified School District** due to financial problems within the school district, and hired an administrator to run the school district. In 1996, the state removed the administrator, and designated a trustee to monitor the financial performance of the school district. In 1993, the state took over the **Compton Unified School District** due to financial problems within the school district. In 1993, the state legislature passed a law that required the takeover to also address inadequate student performance within the school district. In 2001, the state removed the administrator, and designated a trustee to monitor the academic and financial performance of the school district. In 2001, the state took over the **Emery Unified School District** due to financial problems within the school district, and hired an administrator to run the school district.
Connecticut	In 1988, the state took over the town and school district of **Bridgeport** due to financial problems. Power was returned to the town and school district in 1996. In 1992, the state took over the town and school district of **West**

State	School District(s)
	Haven due to financial difficulties. Power was returned to the town and school district in 1995. In 1997, due to a variety of problems within the **Hartford School District**, the state legislature enacted a law to abolish the locally elected school board and empower the governor to appoint a new one. In 2001, the state took over the town and school district of **Waterbury** due to financial problems.
District of Columbia (U.S. Congress)	In 1995, the U. S. Congress created a financial control board to operate the District of Columbia's government. Due to a range of problems within the **D.C. Public Schools**, the financial control board created a board of trustees to oversee the school district and appointed a new superintendent. In 2000, D.C. voters approved a proposal to decrease the size of the D.C. school board from 11 elected members to nine members, five of whom will be elected and four of whom will be appointed by the mayor. In 2001, the financial control board returned oversight of the school district to the D.C. school board.
Illinois	In 1994, due to financial mismanagement within the **East St. Louis School District,** state officials appointed a three-member panel to assume financial oversight of the school district. In 1995, due to a variety of problems within the **Chicago Public Schools** (CPS), the state legislature shifted control of CPS to the mayor of Chicago and charged him with appointing school board members, the school board president and the school district's chief executive officer.
Kentucky	In 1988, state officials took over the **Pike County School District** due to financial problems within the school district. In 1990, the state returned control to the school district. In 1998, the state board of education voted to place the school district under a declaration of financial emergency because the school district ended the fiscal year with a deficit budget. In 1999, the state released the school district from the declaration of emergency. In 1989, state officials took over the **Whitley County School District** and the **Floyd County School District** due to financial and management problems within the school districts. In 1990, the state board of education returned control to the school districts. In 1997, state officials again assumed control of the Floyd County School District due to financial and management problems within the school district. In 1992, state officials assumed control of the **Harlan County School District** due to financial and management problems within the school district. In 1996, state officials returned control to the school district. In 1994, state officials assumed control of the **Letcher County School District** due to financial and management problems within the school district. In 1997, state officials returned control to the school district.
Maryland	In 1997, due to a variety of problems within the **Baltimore City Public Schools**(BCPS), the state legislature entered into a

State	School District(s)
	partnership with the city of Baltimore to run BCPS. From this partnership, a new, nine-member board of school commissioners was created, with members jointly appointed by the governor and the mayor. In 2002, the state intervened in the **Prince George's County School District.** The state enacted legislation that abolished the locally elected school board and created a nine-member school board appointed by the governor and the county executive.
Massachusetts	In 1989, due to a range of problems within the **Chelsea Public Schools,** the state legislature enacted a law that allowed the school district to enter into a long-term management contract with Boston University. In 1991, due to a variety of problems within the **Boston Public Schools,** the state legislature enacted a law that abolished the elected Boston School Committee and gave the mayor of Boston the right to appoint school committee members. In 1996, the citizens of Boston voted to maintain the mayoral-appointed school committee. In 1998, due to a range of problems within the **Lawrence Public Schools,** state officials intervened in the school district. The state entered into a joint selection process with the school district for a new superintendent, and opened an office in the school district to oversee daily operations and provide technical assistance to school administrators.
Michigan	In 1999, due to a variety of problems within the **Detroit Public Schools,** the state legislature enacted a law that removed the locally elected school board. The law also gave the mayor the authority to appoint six of seven members on a new school board, with the seventh member appointed by the governor.
Mississippi	In 1996, the state took over the **North Panola School District** because of financial problems within the school district. In 1998, state officials returned control to the school district. In 1997, the state took over the **Oktibbeha County School District** because of problems within the school district, including inadequate academic performance. In 1997, the state took over the **Tunica County School District** because of problems within the school district, including inadequate academic performance.
New Jersey	In 1989, the state took over the **Jersey City Public Schools** charging school district administrators with patronage in hiring, violation of state contract-bidding laws, political interference in the schools and general mismanagement that affected students and their abilities to learn. In 1991, after years of performing poorly in state assessments and reviews, the **Paterson Public Schools** were taken over by state officials. In 1995, state officials took over the **Newark Public Schools.** The state ruled that the school district had failed to give its students a minimum education for decades and would be taken over by a state-supervised management team.

State	School District(s)
New Mexico	In 1999, state officials assumed control over the financial decisions in the **Santa Fe Independent School District** because of financial problems within the school district.
New York	In 1995, the state legislature enacted a law that authorized a state takeover of the **Roosevelt Union Free School District**. In January 1996, the state board of regents voted to remove the locally elected board of education and approve a state takeover of the school district. As a basis for its actions, the state cited unsafe schools and low-performing students within the school district. In May 1996, a new board of education was elected, although the state continued to oversee the district. In 2002, state policymakers enacted a law that abolished the locally elected board of education and put into place a board appointed by the state board of regents and a superintendent appointed by the state commissioner of education.
Ohio	In 1995, due to a variety of problems in the **Cleveland Public Schools** (CPS), a U.S. federal court charged state officials with running CPS through a state-appointed superintendent. In 1997, the state legislature shifted control of CPS to the mayor and charged him with appointing the school board and the school district's chief executive officer. In 1996, state officials assumed control over the financial decisions in the **Youngstown City School District** because of financial problems within the school district.
Pennsylvania	In 1994, state officials took over the **Chester-Upland School District** due to financial problems within the school district. In 2000, the state legislature passed a law that charged the state superintendent with appointing a three-panel board to oversee the school district due to inadequate student performance within the school district. In 2000, due to a range of problems within the **Harrisburg School District,** the state legislature enacted a law that shifted control of the school district to the mayor and charged him with appointing the school board. In 2001, the state took over the **Philadelphia School District** due to academic and financial problems within the school district. The governor and the mayor will jointly appoint a five-person school reform commission to run the school district.
Rhode Island	In 1991, state officials took over the **Central Falls School District** due to financial problems within the school district.
South Carolina	In 1999, the state took over the **Allendale County School District** due to academic problems within the school district.
Texas	In 1995, state officials appointed a management team to run the **Somerset Independent School District** due to problematic financial and student performance. In 1997, state officials returned control to the school district. In 1996, state officials appointed a management team to run the **Wilmer-Hutchins Independent School District** due to problematic financial and student performance. In 1998, state officials returned control to the school district.
West Virginia	In 1992, state officials took over the **Logan County Schools,** after many years of poor management and personnel practices and low student achievement results within the school district. In 1996, state officials returned control to the school district.

State	School District(s)
	In 1998, state officials took over the **Mingo County Schools** after determining that "extraordinary circumstances" existed in the school district, such as continuing budget deficits, low student achievement and a lack of leadership. In 2000, state officials took over the **Lincoln County Schools** due to a number of problems in the school district involving management, financing, facilities and academics. In 2001, state officials took over the **McDowell County Schools** based on an audit report that indicated the county was failing to provide a high quality education for students and unhealthy and unsafe conditions exist in many schools that place employees and students in danger.

Appendix C

Legal Citations
State Takeovers of Schools

The following table presents the states, along with the appropriate legal citations, that have enacted policies that allow them to take over schools because of academic problems within a school.

State	Statute	Administrative Code
Alabama	Ala. Code § 16-6B-3	-
Arkansas	Ark. Stat. Ann. § 6-15-403, § 6-15-421	Arkansas Rules and Regulations: 020.1 – 020.3, 020.3.02, 020.4 -- 020.19
California	Cal. Ed. Code § 52055.5	-
Colorado	Senate Bill 186 (2000 Regular Session)	-
Georgia	House Bill 1187 (2000 Regular Session)	-
Illinois	105 ILCS 5/2-3.25f	23 IAC § 1.80, § 1.90
Maryland	Md. Education Code Ann. § 7-203	Md. Regs. Code 13A § 01-01-01 -- § 01-04-08
Michigan	MCL § 380.1280	-
Nevada	Nev. Rev. Stat. Ann. § 385.386	-
North Carolina	N.C. Gen. Stat. § 115C-105.39	-
Oklahoma	70 Okl. St. § 1210.541	-
Rhode Island	R.I. Gen. Laws § 16-7.1-5	-
South Carolina	S.C. Code Ann. § 59-18-1520	S.C. Code Regs. § 43-300 – § 43-301
Texas	Tex. Educ. Code § 39.131	-
Vermont	16 V.S.A. § 165	CVR § 22-000-003

Appendix D

State Takeovers of Schools

The following table presents examples of states, school districts and schools that have been involved in a state takeover of a school because of academic problems within the school.

State	School
Alabama	In 1999, the state took over **Litchfield High School** in Gadsen City School District because of academic problems within the school. In 2000, the state took over **Lowndes County Middle School**, **Cloverdale Junior High School** in Montgomery County School District, **Russell County High School**, **Cobb Elementary School** in Anniston City School District and **Jess Lanier High School** in Bessemer City School District because of academic problems within the schools.
Maryland	In 2000, because of persistent academic problems, Maryland seized control of **Montbello Elementary School**, **Gilmor Elementary School** and **Francis L. Templeton Elementary School** in the Baltimore City Public Schools, and hired Edison Schools, Inc., a private, for-profit organization, to run them.

Appendix E

Legal Citations
Reconstitutions of Schools

The following table presents the states, along with the appropriate legal citations, that have enacted policies that allow the state to reconstitute schools.

State	Statute	Administrative Code
Arkansas	Ark. Stat. Ann. § 6-15-403, § 6-15-421	Arkansas Rules and Regulations: 020.1 – 020.3, 020.3.02, 020.4 -- 020.19
California	Cal. Ed. Code § 52055.5	-
Colorado	Senate Bill 186 (2000 Regular Session)	-
Connecticut	Public Act 99-288 (1999 Regular Session)	-
Florida	Fla. Stat. § 229.0535	-
Georgia	House Bill 1187 (2000 Regular Session)	-
Illinois	105 ILCS 5/2-3.25f, 5/34-8.4	23 IAC § 1.80, § 1.90
Kansas	K.S.A. § 72-6439	K.A.R. § 91-31-16, § 91-31-18, § 91-31-24, § 91-31-25 – § 91-31-30
Louisiana	La. R.S. 17:10.1	-
Maryland	Md. Education Code Ann. § 7-203	Md. Regs. Code 13A § 01-01-01 -- § 01-04-08
Massachusetts	Mass. Ann. Laws ch. 69, § 1J - § 1K	603 CMR § 2.01 - § 2.04
Missouri	Mo. Rev. Stat. § 160.538, § 162.081	5 CSR § 30-340.010, § 30-345.010
New York	-	8 NYCRR § 100.2
North Carolina	N.C. Gen. Stat. § 115C-105.39	-
Oklahoma	70 Okl. St. § 1210.541	-
Rhode Island	R.I. Gen. Laws § 16-7.1-5	-
South Carolina	S.C. Code Ann. § 59-18-1520	S.C. Code Regs. § 43-300 – § 43-301
Texas	Tex. Educ. Code § 39.131	-
Vermont	16 V.S.A. § 165	CVR § 22-000-003

Appendix F

Reconstitutions of Schools

The following table presents examples of states and school districts where reconstitutions of schools have occurred. Some of these have been initiated by states, and some have been initiated by school districts.

State	District
California	The **San Francisco Unified School District (SFUSD)** began reconstituting schools in 1983, as part of a court order to desegregate the school district and improve the academic performance of minority students within the school district. In 1983-1984, SFSD reconstituted six schools. Throughout the 1980s and into the 1990s, SFUSD reconstituted more schools, including eight schools since 1994.
Colorado	In 1997, **Denver Public Schools (DPS)** officials implemented a school evaluation process that considers student achievement levels, writing samples, suspensions, participation in the gifted and talented program, parent involvement, building maintenance and allocation of resources. A school deemed in need of "redesign" could be placed on probation for a year and given a chance to reform itself, or if the situation is bad enough, be closed over the summer and re-staffed for the following fall. In its first drastic step under this process, DPS reconstituted two elementary schools, rehiring only a few original teachers. Although the teachers' union initially balked when news of the possible overhauls broke, union leaders then took the unusual step of cooperating closely with DPS administrators. Still, all but a handful of teachers at each school were required to find positions elsewhere in the school district.
Illinois	In 1997, the **Chicago Public Schools** chief executive officer ordered the reconstitution of seven poorly performing high schools. Reconstitution in Chicago requires all employees -- principals, teachers, and classified staff -- to reapply for their jobs. Those who receive a poor evaluation will be removed from the schools. Teachers who are not rehired have 10 months to find another job in the school district before they are taken off the payroll. They are expected to work as substitutes during that time, with one day off a week for job hunting. In June 2000, the Chicago Board of Education announced that it will take direct control of five of the city's worst high schools, including two schools reconstituted in 1997, and impose for the first time a severe sanction that allows the summary firing of tenured teachers deemed to be incompetent. New management teams will take over and evaluate the staff at each school during the next school year and then determine which teachers and other personnel should be retained, laid off, fired or reassigned.
Maryland	**Prince George County Public Schools** administrators ordered the staffs of four elementary schools and two middle schools to reapply for their jobs in June 1997. In the end, new principals were brought in for five of the six schools, and slightly more than a third of the teachers and administrators returned to their original schools. Officials said they were trying to boost achievement at the schools before they became candidates for reconstitution by the state.
New York	State officials told the **New York City Public Schools** to improve certain schools or risk state takeover of those schools. In response, the district assigned these schools to a separate school district directly under the school district chancellor's control. Although students were not transferred, the chancellor ordered the redesign of 13 of the district's worst schools, with eight getting new principals. In June 1999, the New York City Public Schools announced that it was closing 13 failing schools over the next two years. Newly organized schools will eventually open in the same buildings, but up to half of the teachers and many principals from the 13 current schools may be removed or reassigned.
Ohio	Jus three weeks before the start of the 1997-1998 school year, the state-appointed superintendent of the **Cleveland Public Schools** announced that he was cleaning house

State	District
	at two elementary schools. Despite protests from parents and labor grievances by the teachers' union, more than two-thirds of the teachers at the schools were replaced when classes resumed in August 1997.
Texas	In 1993, the **Houston Independent School District** reconstituted Rusk Elementary School, and reassigned the school's principal, declared all the teaching positions vacant and told the teachers that they would have to reapply for their jobs or transfer elsewhere in the school district. Also, the **San Antonio Independent School District** has reconstituted four schools.

Sources

Bryk, Anthony S., Thum, Yeow Meng, Easton, John Q. and Luppescu, Stuart (1998, March). *Academic Productivity of Chicago Public Elementary Schools*. Chicago, IL: The Consortium on Chicago School Research.

Bushweller, Kevin (1998, August). "Under the Shadow of the State." *The American School Board Journal*, pp. 16-19.

Community Training and Assistance Center (2000, May). *Myths and Realities: The Impact of the State Takeover on Students and Schools in Newark*. Boston, MA: Community Training and Assistance Center.

Fixing Failing Schools: Reconstitution and Other High-Stakes Strategies Meeting Summary (1997, May 12-13). Summary of a meeting convened by the Consortium for Policy Research in Education and the Pew Forum on Standards-Based Reform, Baltimore, Maryland. Unpublished.

Diegmueller, Karen (1994, November 16). "Progress, Problems Outlined in State-Run N.J. District." *Education Week*, p. 5.

Dolan, Margaret (1992, April). *State Takeover of a Local District in New Jersey: A Case Study*. New Brunswick, NJ: Consortium for Policy Research in Education.

Education Writers Association (1998, March). "Reconstitution." *Education Reform*, pp. 60A-60D.

Fuhrman, Susan H. and Elmore, Richard F. (1992, April). *Takeover and Deregulation: Working Models of New State and Local Regulatory Relationships*. New Brunswick, NJ: Consortium for Policy Research in Education.

Green, Robert L. (1999, April 24). *A Reform Strategy for Troubled Times: Takeovers of Urban School Districts in the 1990s*. Paper presented to the Leadership Policy Institute of the National Alliance of Black School Educators, Washington, D.C. Unpublished.

Hendrie, Caroline (1996, June 12). "Ill Will Comes With Territory In Takeovers." *Education Week*, pp. 1, 12-13.

Hendrie, Caroline (1996, December 11). "S.F. Reforms Put on the Line In Legal Battle." *Education Week*, pp. 1, 30.

Hendrie, Caroline (1997, September 24). "Reconstitution Gaining New Momentum." *Education Week*, pp. 1, 12-13.

Hendrie, Caroline (1998, July 8). "A Mixed Record for Reconstitution Flashes a Yellow Light for Districts." *Education Week*, pp. 1, 17.

Hoff, David J. (1996, September 18). "W.Va. Leaves District Better Than It Found It." *Education Week*, p. 17.

Hunter, Richard C. and Brown, Frank (1999, November). "School Takeovers: The New Accountability Strategy." School Business Affairs, pp. 22-29.

Johnston, Robert C. (2000, April 26). "State Audits Find New Budget Shortfalls in Newark." *Education Week*, p. 3.

Kirst, Michael and Bulkley, Katrina (2000, March). "'New Improved'" Mayors Take Over City Schools." Phi Delta Kappan, pp. 538-546.

McRobbie, Joan (1998, Spring). *Can State Intervention Spur Academic Turnaround?* San Francisco, CA: WestEd.

Newman, Maria (1999, March 21). "New Jersey Finds No Simple Solutions in School Takeovers." *The New York Times*, p. 37.

Olson, Lynn (1996, September 11). "State Takeovers Run Afoul of Voting Rights Act." *Education Week*, p. 22.

Reinhard, Beth and Hendrie, Caroline (1997, September 24). "At Two Cleveland Schools, Overhauls Mark A Dramatic Response to 'Desperate Times.'" *Education Week*, p. 13.

Reinhard, Beth (1998, January 14). "Racial Issues Cloud State Takeovers." *Education Week*, pp. 1, 18.

Saiger, Aaron (1999, November). "Disestablishing Local School Districts as a Remedy for Educational Inadequacy." *Columbia Law Review*, vol. 99, no. 7, pp. 1830-1870. New York City, NY: Directors of the Columbia Law Review Association, Inc.

Schmidt, Peter (1993, June 23). "Interest Grows in New Policy Tool: Replacing Staffs of Failing Schools." *Education Week*, pp. 1, 22-23.

Seder, Richard (2000, March). *Balancing Accountability and Local Control: State Intervention for Financial and Academic Stability.* Los Angeles, CA: Reason Public Policy Institute.

"Several urban districts go for the clean sweep" (1997, July 8). *School Board News*, p. 3.

Walsh, Mark (1998, January 21). "High Court Takes a Look At Takeovers." *Education Week*, pp. 1, 29.

Walsh, Mark (1998, April 8). "Court Avoids Deciding on Interventions." *Education Week*, pp. 1, 24.

Wertheimer, Linda K. (1999, March 14). "School district takeovers get mixed grades; Suits, continued low scores among woes." *The Dallas Morning News*, p. 37A.

Wilson, Laval S. (1994, December). "Takeover: The Paterson Story." *The American School Board Journal*, pp. 22-26.

Wong, Kenneth K., Dreeben, Robert, Lynn, Jr., Laurence E. and Sunderman, Gail L. (1997, January). *Integrated Governance As A Reform Strategy In The Chicago Public Schools.* Chicago, IL: University of Chicago.

Wong, Kenneth K. (1998, May). *Transforming Urban School Systems: Integrated Governance in Chicago and Birmingham (UK).* Chicago, IL: The University of Chicago.

Wong, Kenneth K. and Shen, Francis X. (2001). *Does School District Takeover Work? Assessing the Effectiveness of City and State Takeover as a School Reform Strategy.* Paper prepared for delivery at the 2001 Annual Meeting of the American Political Science Association, San Francisco, CA.

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